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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO AND OAKLAND DIVISION

THOMAS FERNANDEZ and LORA SMITH, )  
 individually and on behalf of a class of all other )  
 persons similarly situated, )

Plaintiffs, )

vs. )

K-M INDUSTRIES HOLDING CO., INC., )  
 et al., )

Defendants. )

Case No. C-06-07339 MJJ

**[PROPOSED] ORDER MODIFYING  
 PRETRIAL ORDER**

Pursuant to the Court's instructions at the Case Management Conference held on December 11, 2007, the parties request that the Court order the following schedule to govern the remainder of this litigation:

1. Close of fact discovery	May 23, 2008
2. Deadline for hearings on motions for class certification and for summary judgment on statute of limitations grounds	July 29, 2008
3. Case Management Conference	September 9, 2008
4. Disclosure of identity of experts and exchange of expert reports	October 10, 2008
5. Deadline for rebuttal expert reports	October 31, 2008
6. Close of expert discovery (depositions)	November 21, 2008
7. Deadline for hearing on dispositive motions	January 6, 2009
8. Pretrial Conference	February 24, 2009
9. Trial date	March 16, 2009

Dated: December 13, 2007

Respectfully submitted,

LEWIS, FEINBERG, LEE,  
RENAKER & JACKSON, P.C.

By: /s/  
Daniel Feinberg

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*Attorneys for Plaintiffs  
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Dated: December 13, 2007

LOVITT & HANNAN, INC.

By: /s/  
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*Attorneys for Defendant K-M Industries  
Holding Co., Inc.; K-M Industries Holding  
Co., Inc. ESOP Plan Committee; and CIG  
ESOP Plan Committee*

1 Dated: December 13, 2007

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2 By: /s/

3 Robert L. Palmer  
4 *Attorneys for Defendant William E. and*  
5 *Desiree B. Moore Revocable Trust; Desiree*  
6 *B. Moore Revocable Trust; William E.*  
7 *Moore Marital Trust; William E. and*  
8 *Desiree B. Moore Revocable Trust*  
9 *Generation-Skipping Trust; and Desiree*  
10 *Moore*

11 Dated: December 13, 2007

MORGAN, LEWIS & BOCKIUS LLP

12 By: /s/

13 Nicole Diller  
14 *Attorneys for Defendant North Star Trust*  
15 *Company*

16 Good cause appearing, the Court orders that dates set forth in the current scheduling  
17 order are vacated, and that the management of this litigation is now governed by the dates set  
18 forth above.

19 IT IS SO ORDERED.

20 DATED: \_\_\_\_\_

\_\_\_\_\_  
21 Hon. Martin J. Jenkins  
22 United States District Judge  
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